



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

April 15, 2010

Mr. James F. Tolen
Conservancy Resources, LLC
7100 Eagle Crest Boulevard
Evansville, Indiana 47715

Dear Mr. Tolen:

Re: Modification Request for
NPDES General Permit No. ING040010
IDNR Permit Nos. S-0332; S-0268; S-0266; S-0329
Conservancy Resources, LLC- Hawthorn Mine
10001 South County Road 900 East
Carlisle, Indiana 47838
Sullivan County

The NPDES permit application submittal dated December 8, 2009, submitted by Mr. Forrest L. Crowe on your behalf, to request modification of the above-referenced permit, has been reviewed. The submittal requested the removal of Outfall 024 (latitude 38°, 60', 25", longitude 87°, 17', 30") and Outfall 042 (latitude 38°, 00', 35", longitude 87°, 17', 30"), both discharging to Middle Fork Creek, from the permit. The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Our office has received confirmation from the IDNR in Jasonville, Indiana that the basin associated with Outfall 042 has been fully reclaimed. We have also confirmed that the basin associated with Outfall 024 has not been reclaimed, but this outfall has been removed and a new outfall has been constructed. Since the land where this basin and new outfall are located is included for coverage under another NPDES permit, they will not be included for coverage as a part of permit ING040010. Therefore your petition to delete the referenced existing NPDES discharge points has been approved in accordance with Indiana Rules promulgated under 327 IAC15-7. Coverage for the facility will now include the outfalls listed in the first table of Attachment 1.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. Should you need additional copies of this form it is also available on the internet at the following web site:

<http://www.in.gov/idem/5104.htm>

327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317-232-8670.

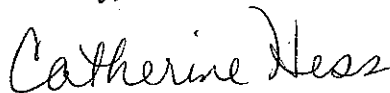
These modifications shall become effective on **May 1, 2010**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on **July 31, 2014**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/

cc: Sullivan County Health Department

ATTACHMENT 1

Conservancy Resources, LLC- Hawthorn Mine

NPDES PERMIT NO. ING040010

IDNR PERMIT NOS. S-0332; S-0268; S-0266; S-0329

EFFECTIVE DATE: **May 1, 2009**

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
002	S-266 002	38°, 58', 00"	87°, 15', 30"	Reclamation	Spencer Creek
003	S-268 003	38°, 57', 05"	87°, 16', 45"	Reclamation	Pollard Ditch
004	S-268 004	38°, 55', 60"	87°, 13', 30"	Reclamation	Singer Ditch
005	S-268 005	38°, 55', 35"	87°, 13', 55"	Reclamation	Singer Ditch
014	S-266 014	38°, 58', 60"	87°, 14', 45"	Reclamation	Spencer Creek
015	S-268 015	38°, 55', 40"	87°, 15', 45"	Reclamation	Pollard Ditch
016	S-268 016	38°, 55', 30"	87°, 16', 05"	Reclamation	Pollard Ditch
017	S-268 017	38°, 55', 60"	87°, 16', 05"	Reclamation	Pollard Ditch
029	S-268 029	38°, 56', 40"	87°, 17', 32"	Reclamation	Maria Creek
030	S-268 030	38°, 56', 35"	87°, 18', 15"	Reclamation	Maria Creek
032	S-268 032	38°, 56', 40"	87°, 18', 40"	Reclamation	Maria Creek
035	S-268 035	38°, 56', 45"	87°, 17', 45"	Reclamation	Maria Creek

The following outfalls have been removed and are no longer covered under this permit:

001	S-329 001	38°, 58', 07"	87°, 15', 33"	Outfall removed	Spencer Creek
006	S-329 006	38°, 56', 45"	87°, 15', 45"	Reclamation	Pollard Ditch
007	S-332 007	38°, 58', 30"	87°, 16', 52"	Reclamation	Middle Fork Creek
008	S-332	38°, 57', 15"	87°, 16', 55"	Reclamation	Pollard Ditch

	008				
009	S-332 009	38°, 55', 60"	87°, 16', 45"	Reclamation	Pollard Ditch
010	S-332 010	38°, 55', 50"	87°, 16', 55"	Reclamation	Pollard Ditch
011	S-332 011	38°, 55', 60"	87°, 15', 25"	Reclamation	Pollard Ditch
012	S-332 012	38°, 58', 30"	87°, 17', 07"	Outfall removed	Spencer Creek
013	S-332 013	38°, 58', 30"	87°, 17', 07"	Outfall removed	Spencer Creek
019	S-266 019	39°, 0', 0"	87°, 16', 0"	Outfall removed	Middle Fork
020	S-266 020	39°, 0', 0"	87°, 16', 15"	Outfall removed	Middle Fork
021	S-266 021	39°, 0', 0"	87°, 16', 60"	Outfall removed	Middle Fork
022	S-266 022	39°, 0', 30"	87°, 17', 25"	Outfall removed	Middle Fork
023	S-266 023	39°, 0', 25"	87°, 17', 27"	Outfall removed	Middle Fork
024	S-332 024	38°, 60', 25"	87°, 17', 30"	Reclamation	Middle Fork Creek
025	S-332 025	38°, 60', 25"	87°, 15', 45"	Reclamation	Middle Fork
026	S-266 026	38°, 59', 55"	87°, 17', 30"	Outfall removed	Middle Fork
027	S-268 027	38°, 56', 17"	87°, 17', 50"	Outfall removed	Maria Creek
028	S-268 028	38°, 56', 20"	87°, 18', 5"	Outfall removed	Maria Creek
031	S-268 031	38°, 56', 35"	87°, 17', 60"	Outfall removed	Maria Creek
033	S-268 033	38°, 56', 25"	87°, 18', 45"	Outfall removed	Maria Creek
034	S-268 034	38°, 56', 30"	87°, 18', 55"	Outfall removed	Maria Creek
036	S-268 036	38°, 55', 60"	87°, 18', 55"	Outfall removed	Maria Creek
037	S-332 037	38°, 55', 5"	87°, 16', 10"	Reclamation	Pollard Ditch
038	S-329 038	38°, 55', 0"	87°, 16', 40"	Outfall removed	Pollard Ditch
039	S-329 039	38°, 55', 10"	87°, 16', 50"	Outfall removed	Pollard Ditch
040	S-329 040	38°, 55', 15"	87°, 16', 55"	Outfall removed	Pollard Ditch
041	S-329 041	38°, 55', 25"	87°, 16', 60"	Outfall removed	Pollard Ditch
042	S-332 042	38°, 00', 35"	87°, 17', 30"	Reclamation	Middle Fork Creek
043	S-332 043	39°, 0', 35"	87°, 17', 30"	Outfall removed	Middle Fork

044	S-332 044	39°, 0', 50"	87°, 18', 5"	Outfall removed	Middle Fork
045	S-332 045	39°, 1', 0"	87°, 17', 60"	Outfall removed	Middle Fork
046	S-332 046	39°, 1', 5"	87°, 17', 55"	Outfall removed	Middle Fork
047	S-332 047	39°, 1', 10"	87°, 17', 40"	Outfall removed	Middle Fork
048	S-332 048	39°, 1', 5"	87°, 17', 60"	Outfall removed	Middle Fork
049	S-332 049	39°, 1', 15"	87°, 16', 10"	Outfall removed	Black Creek
050	S-332 050	39°, 1', 15"	87°, 15', 50"	Outfall removed	Black Creek
051	S-332 051	39°, 1', 15"	87°, 15', 40"	Outfall removed	Black Creek

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 4D -GP

DATE OF NOTICE: April 15, 2010

The Office of Water Quality issues the following NPDES GENERAL PERMIT.

MODIFICATION

CONSERVANCY RESOURCES LLC – HAWTHORN MINE, Permit No. ING040010, SULLIVAN COUNTY, Carlisle, IN. This facility will discharge non-process wastewater from a coal mining, processing and reclamation site to Middle Fork Creek. This modification is being issued because the facility is deleting 2 outfalls. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.

Conservancy Resources, LLC

Hawthorn Business Unit
10001 S Co. Rd. 900 E
Carlisle, Indiana 47838
Phone (812) 659-3392

December 8, 2009
Indiana Department of Environmental Management
Office of Water Quality-Mail Code 65-42
Permits Section
100 North Senate Avenue
Indianapolis, IN 46204-2251

IDEM
OFFICE OF
WATER QUALITY

2009 DEC 10 P 2:04

**RE: AMENDED NOI LETTER FOR NPDES GENERAL PERMIT
TERMANATION OF NPDES POINTS 024 and 042
PERMIT #ING040010**

Dear Sir:

Conservancy Resources, LLC is submitting this Amended NOI letter in order to terminate two NPDES points. Hawthorn Mine is a reclaimed closed surface coal mine with an associated reclaimed coal processing area with existing point source discharge of wastewater controlled by a valid NPDES permit. (NPDES Permit #ING040010).

The facility mailing address is: Hawthorn Mine
10001 South Co. Rd. 900 East
Carlisle, IN 47838

This facility is located in Southern, Sullivan and Greene County, Indiana. The approximate center of our facilities is the Southwest Quarter of Section 14, Township 6 North, Range 8 West, Sullivan County, IN.

This facility is owned by Conservancy Resources, LLC, 7100 Eagle Crest Blvd., Evansville, IN 47715.

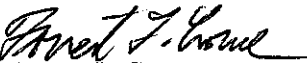
The Standard Industrial Classification (SIC) code of this facility is 1211.

Since all bond has been released from our S-332 permit and bond in the western part of the S-266 permit has been released, Conservancy Resources, LLC wishes to terminate the "Post Mining" Middle Fork NPDES points 024 and 042. These areas have been re-permitted and bonded under the Black Beauty Coal Company, LLC Bear Run Mine.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The attached table lists all the remaining "Post Mining" Reclamation NPDES points at Hawthorn Mine. If you have any questions, please give me a call at (812) 659-3393

Sincerely,



Forrest L. Crowe
Environmental Engineer
Authorized Representative

cc: File, DNR
James Tolen

JORDAN, SHERI

From: Crowe, Forrest L. [FCrowe@PeabodyEnergy.com]
Sent: Friday, March 05, 2010 3:10 PM
To: JORDAN, SHERI
Cc: Tolen, Jim
Subject: Termination of Hawthorn NPDES Points 024 and 042
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Hawthorn 024 & 042.pdf

Ms. Jordan,

This email is in response to our telephone conversation on March 5, 2010 concerning the December 8, 2009 letter requesting to terminate Hawthorn Mine NPDES points 024 and 042. These two NPDES points are on outfalls from two reclaimed impoundments that have been approved by DNR as permanent post mining impoundments. These outfalls were sampled quarterly as post-mining reclaimed status. All Hawthorn bond that was associated with these two impoundments and their watersheds were 100 percent released in 2009. The request to terminate these two NPDES points is based on the 100 percent bond release (see the attached DNR approval letters for termination of sampling).

Coincidentally the new Black Beauty Bear Run Mine has permitted a large area that had been previously disturbed under Hawthorn permits S-332 and S-266. As part of the Bear Run NPDES permit ING040239, Bear Run has chose to use for sediment control the impoundment reclaimed by Hawthorn whose outfall was identified as 024. Bear Run Mine has moved and redesigned the spillway and designated the outfall as 044. The reclaimed impoundment associated with Hawthorn outfall 042 will not be used by Bear Run for sediment control.

I hope this explanation is sufficient to satisfy your questions and the Hawthorn NPDES outfalls 024 and 042 can be terminated.

Thank you
Forrest L. Crowe
Environmental Specialist
Authorized Representative

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4/1/2010

